

**Blue Ribbon Advisory Panel**  
**-Meeting Minutes-**  
**October 17, 1996**  
**Porter County Administration Building**  
**155 Indiana**  
**Valparaiso, Indiana 46383**

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-The Blue Ribbon Advisory Panel met on October 17, 1996, to consider issues associated with the Lake Michigan coastal area raised by public work groups held in the spring of 1995, as well as additional issues of interest to the Panel. Beginning the meeting at approximately 9:00 a.m. Stephen Lucas, Indiana Natural Resources Commission, welcomed the Panel members with a message from Indiana Department of Natural Resources Director, and Commission Secretary, Patrick Ralston. Lucas explained that Pat Ralston hoped to personally welcome the Panel; however, the Panel meeting coincided with the Midwest Environmental and Natural Resources Directors meeting being hosted by Indiana.

**-Introductions**

Chris Tippie, U. S. Natural Resource Conservation Service, reintroduced himself as the facilitator of the Panel meeting. He asked if the Panel members would introduce themselves to each other. The members of the Panel who were present on October 17 were as follows:

Tom Anderson, Save the Dunes Council  
James Biggs, Porter County Commissioner  
Robert Bilheimer, Bethlehem Steel  
Michael Bucko, Porter County Council  
James Kopp, Town of Ogden Dunes  
Mark Maassel, NIPSCO Industries  
Julie Murphy, Amoco Oil Company  
Ernest Niemeyer, Lake County Commissioner  
Robert Pastrick, Mayor of East Chicago  
Chuck Siar, Chair of the Natural Resources, Shorelines, and Water Quality Public Workgroup  
Ray Sierra, International Longshoremen's Association  
J.B. Smith, Chair of the Marina, Public Access, and Recreational Uses Workgroup  
Bill Theis, Private Property Rights and Pine Township Trustee  
Don Thomas, Chair of the Residential, Agricultural, and Commercial Development Public Workgroup  
Stephen Wurster, LaPorte County Commissioner-

Others present at the meeting included:

Chris Tippie, facilitator, Natural Resource Conservation Service  
Dawn Deady, IDNR, Lake Michigan Coastal Coordination Program  
Stephen Lucas, Natural Resources Commission, Hearings  
James Hebenstreit, IDNR, Division of Water  
Paulene Poparad, Michigan City News Dispatch  
Bob Kasarda, Chesterton Tribune  
Tim Janatik

Next Tippie inquired if there were any amendments to the agenda. No amendments were offered, and the meeting proceeded as outlined in the agenda.

Moving to the next item on the agenda, Tippie suggested "ground rules" be identified under which participants of the Blue Ribbon Advisory Panel would operate. The ground rules were established by the Panel as follows:

Breaks will be called when needed

Lunch will be one hour beginning at approximately 11:40 or when the group indicated it was ready

Meeting will conclude at 4:00 p.m. even though some members must leave early

Decisions will be made by consensus

Agree to disagree

If you don't agree, say so when decisions are made ("speak up")

A report will be prepared to identify agreed upon items as well as items not agreed upon

Panel will review report prior to release

Dawn Deady and Steve Lucas next provided the members with an overview of activities which occurred during the last year, underlying the need for the meeting of the Blue Ribbon Advisory Panel. Deady reviewed the work group process and Lucas identified the support given to the process by Director Ralston.

Deady told the Panel that four work groups met in the spring of 1995 to identify issues of concern in the Lake Michigan coastal area and suggest solutions to address the concerns. The work group process was open to all interested persons. The groups identified 865 solutions as a result of the process. The ideas identified in the process were not arrived at through consensus. Deady described how the three documents distributed to the Panel emerged from the work group process and the purposes of the documents. The first document to be prepared, Northwest Indiana Work Groups: Issues and Resolutions for the Indiana Shoreline of Lake Michigan, is a compilation of the four work groups' reports. The second document, Northwest Indiana Work Group Reports: 865 Annotations by the Indiana Department of Natural Resources, provides information regarding existing frameworks applicable to the work group resolutions. The third document, Northwest Indiana Work Groups: A Synthesis of

Major Topics in the Lake Michigan Coastal Area, provides a more detailed view of the major categories of issues identified by the work groups. Deady also explained that a recommendation resulting from the work group process included the local review of the work group suggestions.

Lucas reflected that the process was also an expression of the increased emphasis upon Lake Michigan and Northwest Indiana by the Natural Resources Commission. He noted that the Commission had met in Hammond in the summer of 1995 with a field trip along the Lake County shoreline and in Michigan City last summer with a field trip directed to shoreline erosion and efforts at beach nourishment. Enhanced efforts by the Department of Natural Resources and by employees of the Commission were largely responsive to a Resolution by the Commission directed to the importance and sensitivity of Northwest Indiana. Lucas noted that Patrick Ralston had announced in the spring of 1996, in this same room of the Porter County Administration Center where the Blue Ribbon Advisory Panel was now meeting, upon the need for its establishment. He then said the Panel would be formed among local elected officials, local business and labor leaders, and local environmental and property rights advocates. The Panel would recommend who in state or local government or in the private sector was best equipped to address each priority from among citizen suggestions in the workgroup process. In addition, the members would suggest methods of gauging the progress toward meeting the priorities and what organizations should monitor the efforts.

Lucas concluded by noting the Blue Ribbon Advisory Panel was now a reality. He again thanked the members for their unselfish participation. He said interested citizens and government now looked forward to the Panel's guidance. James Biggs questioned why no one from the National Park Service was named to the Panel when the federal government was the single largest owner of lakeshore frontage. Lucas responded that there were federal and state agencies who had significant roles, but the goal in selecting the Panel was to determine the wishes locally in northwest Indiana. Robert Bilheimer noted that it would be difficult to advise a federal agency if the agency were a part of the group giving advice.

### Mission Statement

Next the Panel discussed and adopted a mission statement. Modifications were made to the mission statement drafted by the Lake Michigan Coastal Coordination Program. The mission statement adopted by the Blue Ribbon Advisory Panel is as follows:

The mission of the Blue Ribbon Advisory Panel for the consideration of Lake Michigan shoreline issues, and tributary/watershed issues as they may impact the shoreline, is to review the reports of the four work groups which met in 1995 to identify shoreline issues; explore courses of action and policies needed on the

Lake Michigan shoreline; recommend procedures for Indiana at the federal, state, local, and regional levels, in both private and public sectors, to implement these policies and actions; and suggest a mechanism or entity to gauge the progress and success of the accomplishment of the suggested policies and actions. Through the implementation of the mission, enhanced communication and cooperation among interested and responsible persons can better achieve the most efficient use of the unique resources of the Lake Michigan shoreline.

### Summary of Work Groups by Chairmen

Before the Panel began deliberation of the issues raised during the public work group process, the chairman of each work group briefly characterized the work group process and summarized the results of his group. Don Thomas spoke to the Residential, Agricultural, and Commercial Development Work Group. He explained that the group first identified issues relating to residential, agricultural, and commercial development. Following a ranking procedure, the group recommended solutions to the first five issues. Thomas noted consensus was not used for decision-making. The group discussed issues of Property rights; Land use; Natural resources and critical areas; Regulations; and Pollution and pollutants.

Thomas indicated the group seemed most interested in a "one stop shopping" process for government programs, and the need to control both point and nonpoint source pollution.

The Marinas, Public Access, and Recreational Uses Work Group was chaired by J.B. Smith. Smith noted that the participants were told at the beginning of the process to exercise a somewhat wishful approach when discussing solutions to issues. Smith indicated that the strong opinions of the work group participants often lead to point-counter-point discussions. He also noted that the group did not arrive at the identified issues or solutions through consensus. The issues identified were consolidated into thirteen broad issue categories. Although thirteen issues were identified, only ten issues were discussed in terms of solutions due to the time allocated for the work group process to take place. The thirteen broad issue categories identified by the group include:

Manage coastal, watershed, and wetland development, and uses to protect water quality, and protect and restore natural resources in Lake Michigan and its tributaries; Broaden and enhance public access to recreational areas for a variety of uses; Broaden interagency cooperation and enforcement/safety; Shoreline erosion/nourishment/mitigation; Marina expansion, development, and promotion, including multiple uses; Private property rights; Fishing access, protection, improvement, and uses including river boat gaming sites; Futures uses of lake (commercial, recreational, and gambling casinos); Citizen involvement in planning decisions; Protection of private industry; Economic

impacts and benefits of CZM; Protection of archaeological and cultural resources; and Licenses and user fees.

Chuck Siar summarized the results of the Natural Resources, Water Quality, and Shorelines Work Group. He impressed upon the Panel that much work was done in a short time frame. Nine meetings were held by the group; the first two meetings was spent gaining comfort in sharing ideas. He also identified point-counter-point activity during discussions. Several of the ideas were not discussed due to time constraints; however, all ideas were captured in minutes and reports. The issues identified were categorized as related to natural resources, water quality, or shorelines. In each of the three categories the first five issues were discussed. The issues were ranked in discussion order by the work group participants.

John Hannon, chairman of the Industry, Ports, and Navigation Work Group, was not present at the meeting. James Hebenstreit of the Department of Natural Resources, who acted as state liaison to the group, provided an overview of the results. He explained to the Panel that this group also identified several broad issues and ranked the issues for discussion purposes. Hebenstreit noted that, similar to the other work groups, the issues were not identified by consensus. Solutions were suggested for the first six issues the group identified. The issues include:

- CZM boundary;
- Industry brownfields;
- Public access to industrial land;
- Bureaucracy [associated with the permitting process];
- Property rights; and
- Public access at ports.

#### Consideration of Topics for Discussion

Focus of the discussion then turned to how the Panel would identify topics for discussion in terms of their mission. Tippie suggested that determining the topics of discussion could be done a number of ways. One method might be to look at the first five issues as ranked in each of the four work groups. From this list of 20 issues, the Panel could prioritize topics for discussion purposes.

Julie Murphy then reviewed the progression of the three volumes developed from the workgroup process. She suggested that the chapter headings in the draft document titled Northwest Indiana Work Group Reports: A Synthesis of Major Topics in the Lake Michigan Coastal Area, would provide a list of topics. The document also includes potential courses of action that the Panel might consider for each topic. Murphy urged that using this third volume as the cornerstone for the Panel's activities would be the most efficient and predictable method for moving forward.

Siar asked if the topics in the third document were reflective of the types of issues discussed during the workgroup process. Murphy responded that her understanding, from reading the three documents, was that Northwest Indiana Work Groups: A Synthesis of Major Topics in the Lake Michigan Coastal Area did not include every work group issue. That was the function of the second document, Northwest Indiana Work Group Reports: 865 Annotations by the Indiana Department of Natural Resource. However, in a general sense, the third document incorporates the subject matter associated with a broad range of the issues.

Mark Maassel asked how many of the issues identified by the work groups coincide with the major topics of Northwest Indiana Work Groups: A Synthesis of Major Topics in the Lake Michigan Coastal Area? Tippie made a list of the 15 major topics discussed in Northwest Indiana Work Groups: A Synthesis of Major Topics in the Lake Michigan Coastal Area and a list of the priority issues discussed by three or more work groups and two or more work groups.

#### Coastal Coordination Program

Recognizing that the common issues of the work groups are embodied in the list of major topics; the Panel agreed to work with the topics and information identified in Northwest Indiana Work Groups: A Synthesis of Major Topics in the Lake Michigan Coastal Area. Instead of trying to prioritize the list of 15 topics and discuss the highest priority issues, the Panel recognized all the issues as important and expressed the desire to discuss all 15 issues.

James Biggs expressed concerns that the recommendations of the Blue Ribbon Advisory Panel would not be implemented at the DNR and elsewhere in state government. He urged that county and municipal governments understand local needs and how to implement economic and environmental programs. He asked for assurances that directions offered by the Panel would not be ignored. Biggs reflected that the DNR could make decisions from Indianapolis which would be adverse to local interests.

Lucas responded that he was an employee of the Natural Resources Commission and could not bind nor speak for it. Lucas said his regular duty was to report to the Commission concerning hearing processes, however, he assured the Panel he would deliver whatever recommendations it made to the Commission. Lucas said the Panel might also make recommendations not directly pertinent to the Commission and that he and Deady would also endeavor to carry the Panel's message to whomever was best-suited to act upon those recommendations. He said that one of the key elements of the Panel's mission was to identify how best to measure the success or failure of an initiative approved by the Panel.

Stephen Wurster emphasized that the needs of northwest Indiana would be best served by federal, state, and local agencies working together. He felt the intention of DNR and other state government agencies was to be supportive of public needs. The Blue Ribbon Advisory Panel should seek to help state and federal government better understand those needs. Ray Sierra reflected that there was not a good understanding of the greatness of Indiana's Lake Michigan shoreline and that it was truly an international coast. The Panel should help promote that understanding.

The Panel then determined which issue to discuss first. Tippie asked each member which of the 15 topics he or she would prefer to discuss first. Thirteen selected Governmental Coordination and Streamlining, and two selected Water Quality. By a majority, the topic Governmental Coordination and Streamlining was designated as the first to be discussed.

The Panel chose to discuss a list of items associated with Governmental Coordination and Streamlining:  
primary enforcement authority;  
state joint and streamlined permitting;  
single point of contact; and  
recent efforts to streamline and coordinate.  
Primary Enforcement Authority

The Panel agreed there were several activities that could improve the government permitting process. One suggestion was to assume primacy of federal laws to the extent available. Discussion focused primarily on obtaining primacy of the portion of the Clean Water Act pertaining to what is called Section 404 which is administered by the Army Corps of Engineers for dredge and fill activities. States with primacy for Section 404 permitting are Michigan and New Jersey. Because primacy is not available to States for these activities within the Great Lakes or its navigable tributaries, the Panel discussed the potential for Indiana and the Army Corps to establish "programmatic general permits." It was recognized that obtaining primacy might require new laws for the State of Indiana in order to administer this permitting function. However, the Panel generally agreed that new laws which would allow for a more streamlined approach to government would be helpful.

Bill Theis inquired about the possibility of having primacy directed from the federal government to township or municipal government. Don Thomas indicated the concept was not without precedent; for example, Hammond exercised direct implementation of the Clean Air Act. J.B. Smith suggested local exercise of primacy often reflected programmatic structures established before a federal law was implemented. Robert Bilheimer noted that local implementation of federal programs could create a complex bureaucracy where the result was that the regulated community was required to deal with a number of agencies. In addition, Thomas noted that municipalities could be hard-pressed to provide the technical

expertise or the political leverage needed to deal with federal agencies. "There is an economy of scale."

James Biggs asked whether primacy would mean the state would simply be placed in the position of enforcing federal programs with no citizen relief from excessive federal regulation. Tom Anderson noted that the state would be required to show that any delegated state program was as effective as the federal program. Mark Maassel reflected that since compliance with federal mandates was already a reality, and there were alternative or additional state requirements, consolidating those requirements in a single state agency could potentially accord relief to the regulated communities.

Mayor Robert Pastrick noted that if legislation were needed, decisions should be made promptly. Area legislators could then be contacted with identifications of need and with concepts. Ernest Niemeyer added that he and other members had the knowledge of legislators and the legislative process needed to help with any initiatives determined by the Panel.

The Panel requested additional information from Lucas and Deady regarding primacy and programmatic general permits before there could be additional discussion on this item. The Panel questioned what is involved in obtaining primacy; does primacy result in streamlining; and what pros and cons of having primacy have Michigan and New Jersey experienced. With the help of this information, the Panel would then seek consensus on whether Indiana should consider seeking primacy of applicable laws.

Concepts such as pre-project coordination meetings with regulatory agencies and joint permit application forms were also suggested to improve the permitting process. Lucas and Deady were asked to provide additional information on the function of joint permit applications and streamlining efforts as applied in the States of Washington and Pennsylvania.

A recommendation to improve coordination with the Army Corps was to establish a Corps office in northwest Indiana. It was noted that a similar effort is underway through the Lake Michigan Marina Development Commission. The Corps regulatory office responsible for northwest Indiana activity is located in Detroit. Some Corps enforcement duties are conducted out of a regional office in South Bend, and projects for northwest Indiana are coordinated out of the Chicago office. It was mentioned that the Chicago office is currently slated to be closed with potential cuts in the Corps' budget likely. The promotion of a new office in northwest Indiana could be difficult. Ultimately, the Panel's recommendation was to bring the regulatory functions of the Corps closer to northwest Indiana, at whatever site was most practicable.

The Panel also suggested that coordination overall could be improved by a local liaison to federal and state agencies. The liaison would assist with determining



the appropriate players in an early coordination meeting. This single point of contact would have considerable knowledge of the regulations involved with the associated activity. Ideas included expanding the responsibilities of Steve Davis or adding staff to the DNR's office in Michigan City. The Panel asked DNR to provide options which might support a greater and more productive presence in Michigan City or elsewhere in Lake, Porter, or LaPorte Counties.

### State Joint and Streamlined Permitting

In addition to the joint permit application, the Panel suggested that submitting applications to the DNR in Michigan City would enhance streamlining efforts. The Panel also entertained the idea of locating representatives from regulatory agencies at the offices of the Northwestern Indiana Regional Planning Commission in Portage.

### Single Point of Contact

The Panel agreed that this topic had been discussed in detail during discussion on previous topics.

### Recent Efforts to Coordinate and Streamline

"Access Indiana" was identified as an Internet site which is connecting municipalities and agencies. As municipalities and counties are linked to the Internet, communication can contribute to enhanced coordination. For instance, permit applications could be placed on the Internet along with instructions for permitting processes. Ideally, the permit application on the Internet could be printed and completed. Currently, the application for a general permit application for log jam removal is available on the Internet.

Michael Bucko championed the usage of Access Indiana and local linkages to make permitting information more accessible to the local communities. He said connecting links between permitting agency homepages and the homepages of municipalities and counties could be established. A homepage for the Northwestern Indiana Regional Planning Commission could be a starting point. In addition, leaflets containing instructional material and other literature regarding permit application processes could be placed in county offices.

The Panel recommended the establishment of a broad-based community advisory group. The group would participate in an on-going process to monitor the success of recommended actions as outlined in the Blue Ribbon Advisory Panel mission statement. Numerous suggestions were made for how membership might be expanded to more completely reflect the social and cultural makeup of northwest Indiana. The interests represented on the General Advisory Committee to the Lake Michigan Marina Development Commission could be used to help establish a broad-based group. Suggestions were made by the Panel to include representatives of the following interests.

health departments  
charter fishermen  
minority groups  
tourism  
recreational and commercial boaters  
shoreline communities such as Beverly Shores and Michigan City  
water related industries  
water companies  
casino boats  
agricultural community  
chambers of commerce  
agencies who regulate Lake Michigan

One additional item that the Panel agreed to add to the list of 15 discussion topics is "Funding for Various Initiatives." Commissioner Biggs reflected that additional revenue from gaming operations might help support a program focused on the mutual needs of northwest Indiana citizens. J.B. Smith noted that a fraction of the proceeds from gaming were earmarked to support the horse racing industry, and with gaming boat revenues clearly exceeding what was originally anticipated, a portion might reasonably be redirected to this end. James Kopp expressed the need for a predictable and dependable funding source to help implement these initiatives.

The Panel agreed to meet on November 14, 1996 and requested that the availability of a meeting room at the Northwestern Indiana Regional Planning Commission be considered. The Panel recommended that the topics for discussion at the next meeting be pre-determined, allowing members to focus on specific information in the materials provided. It was agreed that a list of the sixteen topics would be distributed to the Panel to obtain their choices of the next five topics to be discussed. The topics would become the agenda for the next meeting. The Panel also requested a photocopy of the table of contents of Northwest Indiana Work Groups: A Synthesis of Major Topics in the Lake Michigan Coastal Area which indicates the topics that were discussed during the first meeting.

The meeting adjourned at approximately 4:00 p.m.